Single Bench

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH

AT BILASPUR

WRIT PETITION NO.4294/2004

PETITIONER : Uday Shankar Ganguly, aged about 50 yrs., S/o – late Shri S.N. Ganguly, R/o- Siddhartha Chowk, Tikrapara, Raipur, U.D.C. Office of Chief Medical Officer, Raipur, (C.G.)

P.R. No. 4306/04
Presented by Shri Pallav Sharma
dated 6/9/04

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through: Secretary Health and Family Welfare Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
2. Director, Directorate, Health Services Mantralaya, Raipur, (C.G.)
3. Chief Medical Officer, C.M.O. Office, Near Old D.K. Hospital, Raipur, (C.G.)

Certified Copy
6/XI/04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTCLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDUMUS CERTIORARY, AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.NO. 4299/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	8-12-2004 **Shri Kishore Bhaduri, Counsel for the petitioner.** **Shri Sudhir Agrawal, Panel Lawyer for the State.** **Application for urgent hearing is allowed.** **Heard.** **Learned counsel for the petitioner submits that the matter relates to transfer of the petitioner. He submits that he has been transferred from the office of Chief Medical Officer to Primary Health Centre, Siharpur chandni, Distt. Sarguja. He submits that as per Annexure P-4 dated 24th June 1998 issued by the General Administration Department, it has been directed that the persons who are holding the post in the elected union shall not be transferred from the post for a period of three years. He also produced a document dated 30-11-2004. The same be filed. He submitted that the petitioner is the elected District President of Chhattisgarh Pradesh Swastha Karmachari Sangh, Raipur and as per the policy, he should not be transferred. He further submits that for the present the petitioner may be given an opportunity of filing the detailed representation before the competent authority of the respondents, which shall be considered on its own merits in accordance with law.** **Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within**	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 4294/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

15 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within two months from the date of receipt of the representation.

Learned counsel for the petitioner submits that the petitioner has not been relieved. He prays that the petitioner may be allowed to continue.

It is directed that if the petitioner has not been relieved and other person has not joined in place of the petitioner, the petitioner may be allowed to continue till the representation is decided. It is made clear that if the petitioner has already been relieved or other person has also joined in place of the petitioner, this order will not entitle the petitioner to rejoin at the earlier place of posting.

With the aforesaid observation, this petition stands disposed of.

Consequently, M.W.P.No.4649/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Pathak -

GRPRJ—FS/350—12/2000—50,000.

15.12.09